

FILED

IN THE CIRCUIT AND SUPERIOR COURTS OF OCT 28 2005

RIPLEY COUNTY

CLERK RIPLEY CIRCUIT COURT

In The Matter of)
) CAUSE NO. 69C01-0510-CB-001
County Local Rules)

ORDER FINDING GOOD CAUSE TO AMEND LOCAL RULES AT TIME**OTHER THAN ESTABLISHED SCHEDULE AND****AMENDING LOCAL RULE REGARDING COURT REPORTER FEES**

The Ripley Circuit and Superior Courts, pursuant to Trial Rule 81(D), now find that good cause exists to deviate from the schedule established by the Division of State Court Administration for posting local rule amendments and that the courts' local rule regarding transcript fees should be amended. After approval by the Indiana Supreme Court and after publication for 30 days in the county clerk's office and website and the Indiana Judicial Website, the courts will enter an effective date for this rule amendment. Pursuant to T.R. 81(B)(1), the courts shall receive comments to this rule.

69LR-AR15-7 - Transcripts

A. The following definitions shall apply under this local rule:

(1) A Court Reporter is a person who is specifically designated by a court to perform the official court reporting services for the court including preparing a transcript of the record.

(2) *Equipment* means all physical items owned by the court or other governmental entity and used by a court reporter in performing court reporting services. Equipment shall include, but not be limited to, telephones, computer hardware, software programs, disks, tapes, and any other device used for recording and storing, and transcribing electronic data.

(3) *Work space* means that portion of the court's facilities dedicated to each court reporter, including but not limited to actual space in the courtroom and any designated office space.

(4) *Page* means the page unit of transcript which results when a recording is transcribed in the form required by Indiana Rule of Appellate Procedure 7.2.

(5) *Recording* means the electronic, mechanical, stenographic or other recording made as required by Indiana Rule of Trial Procedure 74.

(6) *Regular hours worked* means those hours which the court is regularly scheduled to work during any given work week. Depending on the particular court, these hours may vary from court to court within the county but remain the same for each work week.

(7) *Gap hours worked* means those hours worked that are in excess of the regular hours worked but hours not in excess of forty (40) hours per week.

(8) *Overtime hours worked* means those hours worked in excess of forty (40) hours per work week.

(9) *Work week* means a seven (7) consecutive day week that consistently begins and ends on the same days throughout the year; i.e. Sunday through Saturday, Wednesday through Tuesday, Friday through Thursday.

(10) *Court* means the particular court for which the court reporter performs services. Court may also mean the court in Ripley County.

(11) *County indigent transcript* means a transcript that is paid for from county funds and is

for the use on behalf of a litigant who has been declared indigent by a court.

(12) *State indigent transcript* means a transcript that is paid for from state funds and is for the use on behalf of a litigant who has been declared indigent by a court.

(13) *Private transcript* means a transcript, including but not limited to a deposition transcript, that is paid for by a private party.

B. A court reporter shall be paid an annual salary for time spent working under the control, direction and direct supervision of the Court during any regular work hours, gap hours or overtime hours.

C. A ~~\$3.50~~ \$4.00 per page fee may be charged for appellate transcript preparation.

D. The court reporter shall submit directly to the county a claim for the preparation of the county indigent transcript.

E. A ~~\$3.50~~ \$4.00 per page fee may be charged for non-appellate transcript preparation.

F. A ~~\$1.00~~ \$1.25 per page fee may be charged for copies of transcripts.

G. A ~~\$1.00~~ \$1.25 per page fee may be charged for copies of exhibits to be included in the transcript.

H. A minimum fee of ~~\$35.00~~ \$40.00 per transcript preparation may be charged.

I. Index and Table of Contents pages may be charged at the per page rate of ~~\$3.50~~ \$4.00.

J. An additional labor charge approximating the hourly rated based upon the court reporters annual compensation may be charged for time spent binding the transcript and exhibit binders.

K. A reasonable charge for the office supplies required and utilized for the binding and electronic transmission of the transcript, pursuant to Indiana Rules

of Appellate procedure 28 and 29, may be charged; the costs of these supplies will be established and published annually by the judges of the County.

L. The court reporter shall report on an annual basis to the Indiana Supreme Court Division of State Court Administration, on forms prescribed by the Division, all transcript fees (either county indigent, state indigent or private) received by the court reporter.

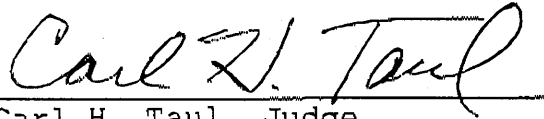
M. If a court reporter elects to engage in private practice through recording of a deposition and/or preparing of a deposition transcript, and the court reporter desires to utilize the court's equipment, work space and supplies, and the court agrees to the use of court equipment for such purpose, the court and the court reporter shall enter into a written agreement which must, at a minimum, designate the following:

1. The reasonable market rate for the use of equipment, work space and supplies;
2. The method by which records are to be kept for the use of equipment, work space and supplies;
3. The methods by which the court reporter is to reimburse the court for the use of equipment, work space and supplies;

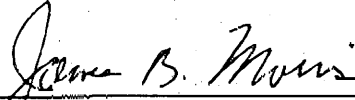
N. If a court reporter elects to engage in private practice through recording a deposition and/or the preparing of a deposition transcript, that such private practice shall be conducted outside of regular working hours; and

O. The Court shall enter into a written agreement with the court reporter which outlines the manner in which the court reporter is to be compensated for gap and overtime hours; i.e., either monetary compensation or compensatory time off regular work hours.

So ordered this 26 day of October, 2005.

A handwritten signature in cursive script, reading "Carl H. Taul", written over a horizontal line.

Carl H. Taul, Judge
Ripley Circuit Court

A handwritten signature in cursive script, reading "James B. Morris", written over a horizontal line.

James B. Morris, Judge
Ripley Superior Court

**In the
Indiana Supreme Court**



IN THE MATTER OF THE)
) Case No. 69S00-0511-MS-00515
APPROVAL OF LOCAL RULES)
)
FOR RIPLEY COUNTY)

**ORDER APPROVING AMENDED LOCAL RULE ADOPTED PURSUANT
TO ADMINISTRATIVE RULE 15**

The Hon. Carl H. Taul, Judge of the Ripley Circuit Court, and the Hon. James B. Morris, Judge of the Ripley Superior Court, have forwarded for approval by this Court an amendment to the local rule governing the regulation of court reporter services in accordance with Ind. Administrative Rule 15. Such amendment for Ripley County is set forth as an attachment to this order.

Upon examination of the proposed rule amendment requested by the Ripley Circuit and Superior Courts, this Court finds that the proposed rule amendment to Local Rule 69LR-AR15-7 complies with the requirements of Ind. Administrative Rule 15, and, accordingly, should be approved effective thirty (30) days after the rule has been posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

IT IS, THEREFORE, ORDERED by this Court that Ripley County Local Rule 69LR-AR15-7, set forth as an attachment to this Order, is approved effective thirty (30) days after the rule has been posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. Carl H. Taul, Ripley Circuit Court, P.O. Box 445, Versailles, IN 47042-0445; the Hon. James B. Morris, Ripley Superior Court, P.O. Box 801, Versailles, IN 47042-0801, and to the Clerk of the Ripley Circuit Court.

The Clerk of the Ripley Circuit Court is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment for examination

by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, this 3rd day of November, 2005.

FOR THE COURT

Randall T. Shepard
Randall T. Shepard
Chief Justice of Indiana